

1 Richard Vilkin, Esq.
2 Nevada Bar No. 8301
3 Law Offices of Richard Vilkin, P.C.
4 1286 Crimson Sage Ave.
5 Henderson, NV 89012
6 Phone: (702) 476-3211
7 Fax: (702) 476-3212
8 Email: Richard@vilkinlaw.com
9 *Attorneys for plaintiff Nevada Association*
10 *Services, Inc.*

11 UNITED STATES DISTRICT COURT
12 DISTRICT OF NEVADA

13 NEVADA ASSOCIATION SERVICES, INC.,
14 a Nevada corporation,

15 Plaintiff,

16 v.

17 RODNEY J. YANKE, an individual; CITY
18 OF LAS VEGAS, a public entity in the State
19 of Nevada; WASHINGTON MUTUAL
20 BANK, FA, a business entity form and state of
21 registration unknown, CALIFORNIA
22 RECONVEYANCE COMPANY, a foreign
23 corporation doing business in Nevada;
24 REPUBLIC SERVICES, INC., a foreign
25 corporation doing business in Nevada;
26 KATHY CLAY YANKE, an individual;
27 REAL EQUITY PURSUIT, LLC, a limited
28 liability company whose state of registration is
unknown but doing business in Nevada; THE
ESTATES AT SEVEN HILLS OWNERS
ASSOCIATION, a Nevada non-profit
corporation; UNITED STATES OF
AMERICA (INTERNAL REVENUE
SERVICE), a public entity; and DOES 1-25,
inclusive,

Defendants.

Case No.: 2:13-cv-01386-RCJ-CWH

MOTION BY PLAINTIFF NEVADA
ASSOCIATION SERVICES, INC. FOR
ORDER TO TRANSFER INTERPLED
FUNDS FROM CLERK OF EIGHTH
JUDICIAL DISTRICT TO CLERK OF THIS
COURT

MOTION

Plaintiff Nevada Association Services, Inc. ("NAS") hereby moves this court for an order directed to the Clerk of the Eighth Judicial District Court for the State of Nevada in Las Vegas to transfer to the Clerk of this federal district court the funds interpled in the state court for this case before this case was removed to this court. The amount of funds deposited by plaintiff with the Clerk for the Eighth Judicial District Court for this case is \$40,942.85. Attached as Exhibit A to this motion is the Notice of Deposit filed by plaintiff with the Eighth Judicial District Court regarding said amount with the receipt for said deposit attached.

MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION FOR
COURT ORDER TO TRANSFER INTERPLED FUNDS TO THIS COURT

This is an interpleader case brought by plaintiff Nevada Association Services, Inc. ("NAS"). NAS served as the foreclosure agent for a homeowners association (Shenandoah Heights Homeowners Association) in a non-judicial foreclosure on the property of defendant Rodney J. Yanke on March 1, 2013. Complaint, paras. 13 and 14. The reason for the foreclosure was to collect on an HOA lien on the property as the result of a debt owed by defendant Yanke to the HOA. Complaint, paras. 13 and 14.

As a result of the foreclosure sale, and after paying the HOA and NAS amounts due to them, NAS was left with excess proceeds of \$40,942.85. Because of various liens and claims recorded against the property that exceeded the amount of excess proceeds, NAS filed the instant interpleader action to determine who is entitled to such funds. Complaint, paras. 15 and 16.

1 NAS filed this case in the district court for the State of Nevada, Eighth Judicial District
2 Court in Las Vegas. NAS then deposited said excess proceeds with the Clerk of the Eighth
3 Judicial District Court. Exhibit A. This case was then removed to this court. NAS informed this
4 court of the status of said funds in the Joint Status Report filed as Document 25 on September 9,
5 2013. The parties to the Joint Status Report requested that the court order that said funds be
6 transferred to the Clerk of this court or otherwise inform the parties as to how to effectuate the
7 transfer. Having heard nothing, plaintiff NAS now moves for a court order directed to the Clerk
8 for the Eighth Judicial District Court of the State of Nevada in Las Vegas that it transfer to the
9 Clerk of this court the funds deposited with it for this case while it was pending before the state
10 court and as reflected in the receipt attached to Exhibit A to this motion.
11

12
13 Dated: December 9, 2013

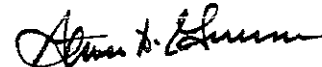
LAW OFFICES OF RICHARD VILKIN, P.C.

14
15 By: 

16 Richard Vilkin, Esq.
17 Nevada Bar No. 8301
18 1286 Crimson Sage Ave.
19 Henderson, NV 89012
20 Phone: (702) 476-3211
21 *Attorneys for plaintiff Nevada Association*
22 *Services, Inc.*
23
24
25
26
27
28

EXHIBIT A

Electronically Filed
03/18/2013 12:06:42 PM



CLERK OF THE COURT

1 Richard Vilkin, Esq.
2 Nevada Bar No. 8301
3 Law Offices of Richard Vilkin, P.C.
4 1286 Crimson Sage Ave.
5 Henderson, NV 89012
6 Phone: (702) 476-3211
7 Fax: (702) 476-3212
8 Email: Richard@vilkinlaw.com
9 *Attorneys for plaintiff Nevada Association*
10 *Services, Inc.*

7 DISTRICT COURT
8 CLARK COUNTY, NEVADA

9
10 NEVADA ASSOCIATION SERVICES, INC.,
11 a Nevada corporation,

12 Plaintiff,

13 v.

14 RODNEY J. YANKE, an individual; CITY
15 OF LAS VEGAS, a public entity in the State
16 of Nevada; WASHINGTON MUTUAL
17 BANK, FA, a business entity form and state of
18 registration unknown, CALIFORNIA
19 RECONVEYANCE COMPANY, a foreign
20 corporation doing business in Nevada;
21 REPUBLIC SERVICES, INC., a foreign
22 corporation doing business in Nevada;
23 KATHY CLAY YANKE, an individual;
24 REAL EQUITY PURSUIT, LLC, a limited
25 liability company whose state of registration is
26 unknown but doing business in Nevada; THE
27 ESTATES AT SEVEN HILLS OWNERS
28 ASSOCIATION, a Nevada non-profit
corporation; UNITED STATES OF
AMERICA (INTERNAL REVENUE
SERVICE), a public entity; and DOES 1-25,
inclusive,

Defendants.

Case No.: A-13-678404-C

Dept.: XXI (21)

NOTICE BY PLAINTIFF OF DEPOSIT OF
INTERPLED FUNDS WITH THE COURT

1 PLEASE TAKE NOTICE that plaintiff herein, Nevada Association Services, Inc., has
2 deposited with this court, to be credited to this case, the sum of \$40,942.85. A copy of the
3 "Official Receipt" from the court is attached.

4 Date: March 18, 2013

LAW OFFICES OF RICHARD VILKIN, P.C.

5
6
7 By: 

Richard Vilkin, Esq.

Nevada Bar No. 8301

1286 Crimson Sage Ave.

Henderson, NV 89012

Phone: (702) 476-3211

Fax: (702) 476-3212

*Attorneys for plaintiff Nevada Association
Services, Inc.*

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

OFFICIAL RECEIPT

District Court Clerk of the Court 200 Lewis Ave, 3rd Floor Las Vegas, NV 89101

Payor
Nevada Association Services, Inc.Receipt No.
2013-32502-CCCLKTransaction Date
03/18/2013

Description	Amount Paid
On Behalf Of Nevada Association Services, Inc. A-13-678404-C Nevada Association Services, Inc., Plaintiff(s) vs. Rodney Yanke; Las Vegas City Of; Washington Mutual Bank FA; California Reconveyance Company; Republic Services Inc; Kathy Yanke; Real Equity Pursuit LLC; Estate of Seven Hills Owners Association; United States of America Internal Revenue Service, Defendant(s) INTERPLEAD FUNDS	
INTERPLEAD FUNDS	40,942.85
SUBTOTAL	40,942.85

PAYMENT TOTAL **40,942.85**

Check (Ref #266599) Tendered	40,942.85
Total Tendered	40,942.85
Change	0.00

03/18/2013
10:46 AMCashier:
Station AIKOAudit
31109813**OFFICIAL RECEIPT**